

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;	)	CIVIL NO. CV03-00385 SOM-LEK
	)	(Copyright)
Plaintiff,)	
vs.	)	DECLARATION OF DAMIAN D.
	)	CAPOZZOLA IN SUPPORT OF
	)	PCT'S ERRATA RE OPPOSITION
HAWAIIAN EXPRESS SERVICE,	)	TO PLAINTIFF WAYNE BERRY'S
INC., et al.,	)	MOTION FOR
	)	RECONSIDERATION OR IN THE
Defendants.	)	ALTERNATIVE RULE 60(b)
	)	RELIEF FOR FRAUD ON THE
		COURT

Hearing: February 24, 2006, 2:00 pm
Judge: Hon. Susan Oki Mollway
Trial Date: February 28, 2006

DECLARATION OF DAMIAN D. CAPOZZOLA

I, DAMIAN D. CAPOZZOLA, declare that:

1. I am an attorney at the law firm of KIRKLAND & ELLIS, LLP, attorneys for Defendant PCT, and I am duly authorized to make this affidavit.
2. I am licensed to practice law in the State of California (SBN 186412) and have been admitted pro hac vice in this case. I know the following to be true through my work in this case. If called upon to do so I could and would competently testify as follows.
3. My February 17, 2006 Declaration in connection with the above-captioned motion contained Exhibits A through H.
4. Attached hereto as Supplemental Ex. D is a true and correct copy of relevant excerpts from Mark Dillon's December 18, 2003 discovery response.
5. Attached hereto as Ex. I are true and correct copies of e-mails between counsel dated February 8, 2006.

So sworn under penalty of perjury under the laws of the United States of America in Honolulu, Hawaii on February 21, 2006.



Damian D. Capozzola